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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-193897

DATE: April 24, 1979

MATTER OF: Lawrence J. Hornung, Jr. ^[Claim for] Mileage between residence and permanent duty station

DIGEST: Although for administrative purposes ^{the} employee's designated duty station was Patrick Air Force Base, Florida, his permanent duty station was Cape Canaveral Air Station, Florida, since he performed virtually all duties there for ^a period of ^{over} approximately 4 years, ~~5 months~~. ^{the issue is whether} Therefore, ^{the} employee is not entitled to mileage for commuting between ^{his} home and Cape Canaveral Air Station by privately owned vehicle under JTR ^{regulations} and Comptroller General decisions which limit mileage to travel between residence and temporary duty station.

Mr. Lawrence J. Hornung, Jr., has asked us to reconsider the disallowance of his claim for mileage payments based upon his travel by privately owned motor vehicle to and from his residence and workplace from February 12, 1973, to July 1, 1977. The claim was disallowed by our Claims Division's Settlement Certificate No. Z-2794373, July 25, 1978.

The issue is whether Mr. Hornung commuted between his residence and permanent duty station by privately owned automobile or performed temporary duty travel.

Mr. Hornung states that while employed by the Air Force he regularly commuted 82 miles by privately owned automobile between his home near Melbourne, Florida, and his duty station at Cape Canaveral Air Force Station, Florida. He contends that during the period of his claim (February 12, 1973, through July 1, 1977) his permanent duty station was Patrick Air Force Base, Florida. He also contends that an SF-50 showing his official station as Cape Canaveral Air Force Station effective July 20, 1975, did not reflect his duty station since his organization was located at Patrick AFB. He, therefore claims mileage on the ground that he performed travel between his residence and a temporary duty station.

For the period in question, the applicable provisions of the Joint Travel Regulations (JTR), Volume 2, were paragraphs C 3001

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and C 3009 (change 66, April 1, 1971), later changed to paragraphs C 4451 and C 4458, respectively. They read in pertinent part:

"C 3001 WHAT CONSTITUTES TEMPORARY DUTY TRAVEL

"Temporary duty travel for an employee includes the following situations:

- "1. assignments of a temporary nature in connection with official Department of Defense business away from an employee's permanent duty station (such assignments will not be of such frequency or duration that a place of assignment is, in fact, an employee's permanent duty station even though administrative jurisdiction is at some other location);"

"C 3009 TRAVEL FROM RESIDENCE TO TEMPORARY DUTY POINT AND RETURN TO RESIDENCE

"Temporary duty travel by privately owned conveyance may be authorized or approved from home or domicile to a place of temporary assignment and return without requiring the employee to report first to his headquarters or regular place of duty.* * *"

The above regulations are consistent with our decisions that travel expenses are not allowed for commuting between residence and official duty station which is the place the majority of the employee's duties are performed and where the employee is expected to spend the greater part of his time. See Matter of Thomas L. Smith, B-188045, May 9, 1977, and decisions cited therein. An agency's discretion to allow mileage for travel by privately owned conveyance between residence and work is limited to temporary duty travel under paragraph C 3009 (now C 4458). Paragraph C 3001 (now C 4451) specifically excludes from temporary duty those assignments which, because of frequency or of long duration at a workplace are in fact assignments to a permanent duty station, even though administrative jurisdiction is at some other location.

In the present case, Patrick AFB was the place of administrative jurisdiction only, and Cape Canaveral was Mr. Hornung's permanent duty station since he regularly reported for duty there for a continuous period of approximately 4 years and 5 months. Consequently,

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mileage for commuting by privately owned vehicle between his home and Cape Canaveral Air Station during the period claimed could not be authorized or approved under the JTR or Comptroller General decisions.

Mr. Hornung's inquiries concerning reasons for not previously providing him Government-furnished transportation and permanent change-of-station orders provided other employees, as well as different opinions on his entitlement to mileage, are not pertinent to his claim. Therefore, those questions are not addressed.

Accordingly, the disallowance of Mr. Hornung's mileage claim by our Claims Division is sustained.


Deputy Comptroller General
of the United States